

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Ticket No. 6292

Shipping Place II LLC

1 Shipping Place

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 31, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312, failure to clear the property of junk, trash, debris and materials (boxes); section 13-4-201 (b)(d), failure to store garbage in watertight, rodent resistant containers with tight fitting lids on commercial property known as 1 Shipping Place, 21222.

On March 11, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Ray Harmon issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$150.00 (one hundred and fifty dollars).

The following persons appeared for the Hearing and testified: David Lilley, Respondent and Ray Harmon, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205.

B. Inspector Ray Harmon testified that this ticket was issued after a complaint was received about junk, trash and debris in the rear alley behind this commercial property. Photographs in the file taken March 11, 2010 show a small dumpster overflowing with cardboard boxes, in front of a shed area with no doors and a broken roof header, nearly filled with discarded cardboard boxes and other junk and debris spilling into the alley.

C. Mr. David Lilley testified that he has owned the property for two and a half years, and it is an old theater that he rents to the Family Dollar store. He testified that he has recently taken down a fenced area, and has repaired the trash storage area which was a converted utility building. The trash storage area will now have more capacity and should resolve the overflowing cardboard box storage problem. He further testified that he will make sure the tenant properly stores trash and complies with code requirements.

D. Because compliance is the goal of code enforcement, and Respondent has testified that the violations were corrected prior to this Hearing, the civil penalty will be rescinded if re-inspection finds the violations corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$150.00 (one hundred fifty dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection by April 12, 2010 finds the violations corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 5<sup>th</sup> day of April 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.